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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,963	03/12/2004	Mo-Han Fong	NRT.0121US (16634RRUS02U)	9041

21906 7590 04/16/2009

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EXAMINER	
GONZALEZ, AMANCIO	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/16/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,963	FONG ET AL.	
	Examiner	Art Unit	
	AMANCIO GONZALEZ	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Prosecution is reopened on the present application in view of the BPAI Decision dated 3/25/2009.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 12, 20, 23, and 24** are rejected under 35 U.S.C. 102(e) as being anticipated by Bae et al. (US 20020181410 A1), hereafter "Bae."

Consider **claims 1 and 20**, Bae discloses:

a wireless communications network *(see the title, the abstract, and par. 0003).* Bae discloses communicating data with plural mobile stations over a wireless link *(see par. 0006 lines 10-14, and par. 0021)*; and

sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link *(see par. 0008 lines 13-21, and par. 0021).*

Consider **claim 12**. Bae teaches claim 8 and further discloses changing data rates for transmissions back to the base station (see par. 0008 lines 13-21, and par. 0021).

Consider **claims 23 and 24.** Bae teaches claim 20 and further discloses indicating data rate to mobile stations (see the abstract, pars. 0008-0011).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 2-11, 21, 22, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (US 20020181410 A1), hereafter "Bae," in view of Chen et al. (US Pat 7155236), hereafter "Chen."

Consider **claims 2, 3, 4, and 7**. Bae discloses the limitations of claim 1, but does not disclose grant message on grant message channel on a CDMA system.

Chen, in related art, discloses grant message on grant message channel on a CDMA system (see col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Bae with the teachings of Cehn and have it include grant message, for the purpose of providing scheduling reverse link data transmission for generation in a mobile station or base station.

Consider **claims 5 and 6**. Bae as modified by Chen, teaches claim 4; and Chen further discloses MAC ID settings (see Chen: col. 28 Lines 3-4).

Consider **claim 8**. Bae as modified by Chen teaches claim 7; and Chen further discloses a shared resources system and mobile ID assignment (see Chen: Abstract; col. 1 Lines 45-50).

Consider **claim 9**. Bae as modified by Chen teaches claim 8; and Bae further discloses changing data rates for transmissions back to the base station (see Bae: par. 0008 lines 13-21, and par. 0021).

Consider **claims 10, 11, 21, and 22**. Bae teaches claims 1 and 20, but does not disclose autonomous transmitting mode.

Chen, in related art, discloses autonomous transmitting mode (see Chen: Title; col. 1 lines 17-20; col. 13 lines 45-51 and 66-67; figs. 5, 7, 8).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Bae with the teachings of Cehn and have it include autonomous transmitting mode, for the purpose of providing efficient transmission scheduling and coordination as well as reducing system loading allocated to such coordination, as discussed by Chen (see col. 2 lines 41-49).

Consider **claim 25**. Bae teaches claim 20, but does not disclose a shared resources system and mobile ID assignment.

Chen, in related art, discloses a shared resources system and mobile ID assignment (see Chen: Abstract; col. 1 Lines 45-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Bae with the teachings of Cehn and have it include a shared resources system and mobile ID assignment, for the purpose of improving system capacity.

6. **Claims 13, 14 and 17-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (US 20020181410 A1), hereafter "Bae," in view of Ahn (US 20030060203 A1), hereafter "Ahn."

Consider claim 13. Bae discloses:

an article comprising at least one storage medium containing instructions that when executed cause a system in a wireless communications network to:

communicate data with plural mobile stations over a wireless link (*an article* read on *base station -see par. 0006 lines 10-14, and par. 0021: Bae discusses wherein a base station communicates with a plurality of access terminal (ATs)*); and

sending a broadcast message to the plural mobile stations, the broadcast message containing an identifier (*identifier* reads on *Reverse Activity Bit (RAB) -see par. 0008 lines 13-21, and par. 0021)).*

But Bae does not disclose an identifier set to a first value to uniquely identify one of the plural mobile stations, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link.

Ahn, in the same field of invention, discloses an identifier set to a first value to uniquely identify one of the plural mobile stations *(see par. 0039 lines 17-25 and claim 2, where Ahn discusses uniquely identifying mobile stations)*, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link *(see pars. 0017, 0018, 0022-0025, where Ahn discusses assigning reverse data rates to uniquely identified mobile stations based on a predetermined reverse rate limits).*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Bae with the teachings of Ahn and have it include uniquely identifying mobile stations and assigning reverse data rate to said uniquely identified mobile stations based on a predetermined rate value or limit, thereby

improving the processing capacity of a reverse link by preventing lowering the usage efficiency of the reverse link, particularly when there may be a great number of active calls and some mobile stations may have large volumes of data to transmit, as discussed by Ahn *(see the abstract and par. 0013)*.

Consider **claim 14**. Bae as modified by Ahn, teaches claim 13; and Bae further discloses layer 2 messaging (data transmission reads on layer 2 messaging –see Bae: par. 0043).

Consider **claim 17**. Bae as modified by Ahn teaches claim 13; and Bae further discloses changing data rates for transmissions back to the base station (see par. 0008 lines 13-21, and par. 0021).

Consider **claims 18 and 19**. Bae as modified by Ahn teaches claim 13; and Bae further discloses indicating data rate to mobile stations (see the abstract, pars. 0008-0011).

7. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae et al. (US 20020181410 A1), hereafter "Bae," in view of Ahn (US 20030060203 A1), hereafter "Ahn," as applied to claims 13 and 14, further in view of Chen et al. (US Pat 7155236), hereafter "Chen."

Consider **claims 15 and 16**. Bae discloses the limitations of claim 1, but does not disclose grant message on grant message channel on a CDMA system.

Chen, in related art, discloses grant message on grant message channel on a CDMA system (see col. 10 lines 62-67; col. 12 lines 3-6; col. 20 lines 22-28; col. 27 lines 38-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the invention of Bae as modified by Ahn with the teachings of Cehn and have it include grant message, for the purpose of providing scheduling reverse link data transmission for generation in a mobile station or base station.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Patrick Edouard, can be reached at (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

April 2, 2009
/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2626